

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

CORNELIUS MAYFIELD,

Plaintiff,

v.

CIVIL ACTION NO. 5:20-cv-00160

WARDEN YOUNG,
NURSE/PHARMACIST MR. SHIFFLET,
NURSE MR. ROSE, and
OTHER MEDICAL PERSONELS UNKOWN,

Defendants.

ORDER

This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed his PF&R on September 29, 2022. Magistrate Judge Aboulhosn recommended that the Court dismiss this action without prejudice.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent

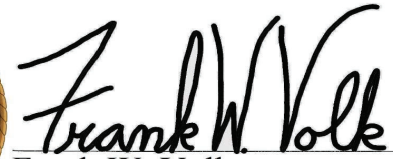
objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). While Magistrate Judge Aboulhosen’s PF&R was initially returned as undeliverable, it was resent on October 21, 2022 [Doc. 9].¹ From that date, objections were due on November 7, 2022. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [Doc. 8], **DENIES AS MOOT** Plaintiff’s Application to Proceed Without Prepayment of Fees and Costs [Doc. 1], and **DISMISSES** the matter **WITHOUT PREJUDICE**.

The Court **DIRECTS** the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: January 17, 2023




Frank W. Volk
United States District Judge

¹ The Court notes that a pro se plaintiff must notify the Court of any change of address or other contact information. L.R. Civ. P. 83.5.